

**EXHIBIT D**

**TO**

**DECLARATION OF**  
**ANDREW J. VOSS**

**In Support of Defendant's Motion to Transfer Venue and  
Consolidate Certain Plaintiffs with First-Filed Action**

**Re: Clark v. Ecolab, Inc.**  
**Court File No. 07-CV-8623 (DLC)**

07/28/2006 10:16 8452558649  
JUL 27 2006 J. L. J. JACKSON LEWIS

DAN GETMAN ESQ.

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NO 6625 P. 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKTROY MASSON, individually and on behalf  
of others similarly situated,

Plaintiff,

-against-

ECOLAB, INC.,

Defendant.

VIA ECF

Civil Action No. CV 04 4488

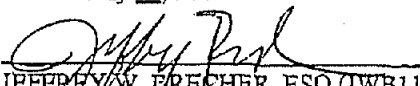
STIPULATION AND ORDER  
PERMITTING GREGORY  
BYRNE TO JOIN ACTION


WHEREAS, Gregory Byrne failed to timely file a consent form to join this action,  
but now wishes to join this action by filing a consent form:

IT IS HEREBY STIPULATED AND AGREED, by and among the parties to the  
above-captioned action, through their undersigned counsel, as follows:

1. Defendant will not object to Gregory Byrne's failure to timely file a consent form to join this action upon the condition that he responds to Defendant's Request for Production of Documents and Interrogatories within 30 days from the date his opt-in form is filed with the Court.
2. Failure to time respond to Defendant's Request for Production and Interrogatories will result in dismissal, with prejudice, of his claims in this action.
3. Defendant does not waive its right to object to any other individual who wishes to join this action but who failed to file a timely consent form.

Dated: Melville, New York  
July 28, 2006

  
JEFFREY W. FRECHER, ESQ. (JWB1116)  
JACKSON LEWIS LLP  
Attorneys for Defendant  
58 South Service Road, Suite 410  
Melville, New York 11747  
(631) 247-0417

 7/27/06  
TARA BERNSTEIN, ESQ. (TB7733)  
LAW OFFICES OF DAN GETMAN  
Attorneys for Plaintiffs  
52 South Manheim Boulevard  
New Paltz, New York 12561  
(845) 255-9370

SO ORDERED on this \_\_\_\_\_ day of August, 2006

\_\_\_\_\_  
United States District Judge